

Hudson	Phillips
Kelley of Hidalgo	Proffer
Lock	Strauss
Martin	Tynan
McDonald	Vick
Moffett	Weinert
Moore	

Nays—10

Aikin	Kelly of Tarrant
Bell	Lane
Corbin	Morris
Hardeman	Shofner
Jones	Taylor

Absent

Bullock	Hazlewood
Harris	

Absent—Excused

Carney

The Senate accordingly at 12:15 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-NINTH DAY**(Continued)****(Tuesday, June 28, 1949)****AFTER RECESS**

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore.

Leaves of Absence Granted

Senator Bullock was granted leave of absence for yesterday, today and the remainder of the week on account of important business on motion of Senator Shofner.

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Morris.

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Senator Aikin submitted the following report:

Austin, Texas,
June 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B.

No. 499, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Proffer submitted the following report:

Austin, Texas,
June 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 500, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 891, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 968, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 138, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 351, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Senator Colson submitted the following report:

Austin, Texas,
June 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Debts, Claims and Accounts, to whom was referred H. B. No. 961, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

COLSON, Chairman.

Senate Resolution 211

Senator Hardeman offered the following resolution:

Whereas, Honorable F. A. Loudermilk, County Judge of Brown County, is a visitor in Austin today; and

Whereas, Judge Loudermilk is present in the Senate gallery observing the proceedings of the State Senate; and

Whereas, It is the desire of the Senate to recognize the presence of Judge Loudermilk and extend to him a warm welcome to the Capitol; now, therefore, be it

Resolved, By the Senate of Texas, That Judge Loudermilk be and he is hereby extended a warm welcome to the Capitol and Senate gallery and that a copy of this resolution be furnished Judge Loudermilk.

The resolution was read and was adopted.

Conference Committee on House Bill 586

Senator Aikin called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 586 and moved that the request be granted.

The motion to grant the request prevailed.

(President in the Chair)

Senate Resolution 212

Senator Hardeman offered the following resolution:

Whereas, The Hill Country Peach Growers Cooperative of Gillespie County, Texas, has furnished a sample of the fine products of the Hill Country peach orchards, and

Whereas, Miss Nell Hodges of Stonewall, Texas, is the representative of the Peach Growers of Gillespie County, and

Whereas, She is accompanied by a delegation of prominent Gillespie County peach growers and civic leaders, and

Whereas, It is the desire of the Senate to recognize the presence of Miss Hodges and the delegation accompanying her and to extend to them a welcome to the Capitol and to the Senate, be it

Resolved, by the Senate, That Miss Hodges and her associates be, and they are hereby extended a warm welcome to the Capitol and the Senate and that the Senate express its appreciation for the gift of peaches and that a copy of this resolution be furnished Miss Nell Hodges and the members of her party.

The resolution was read and was adopted.

The President appointed Senators Hardeman, Ashley, and Bell as a committee to escort Miss Hodges to the President's stand.

The President then presented Senator Hardeman who presented Miss Hodges to the Senate.

Bill Ordered Not Printed

On motion of Senator Shofner, it was ordered that H. B. No. 968 be not printed.

House Bill 968 on Second Reading

On motion of Senator Shofner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 968, A bill to be entitled "An Act authorizing the Commis-

sioners' Court of Bosque County, Texas, to issue refunding bonds for the purpose of refunding road and bridge time warrants of said county; validating the time warrants thus authorized to be refunded; validating certain proceedings heretofore had for the authorization of such refunding bonds and the tax levied to pay said bonds; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 968 on Third Reading

Senator Shofner moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 968 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

Hazlewood	McDonald
Kelley of Hidalgo	Moore

Absent—Excused

Bullock	Carney
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Hardeman
Ashley	Harris
Bell	Hudson
Bracewell	Jones
Colson	Kelley of Hidalgo
Corbin	Kelly of Tarrant
Cousins	Lane

Lock	Shofner
McDonald	Strauss
Moffett	Taylor
Morris	Tynan
Phillips	Vick
Proffer	Weinert

Nays—1

Martin

Absent

Hazlewood	Moore
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Absent—Excused

Bullock	Carney
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Bill Ordered Not Printed

On motion of Senator Proffer, it was ordered that Senate Bill No. 500 be not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 40, A bill to be entitled "An Act finding and declaring that the disastrous and destructive cyclone that occurred at the City of Higgins on the evening of April 10, 1947, is a case of great public calamity in the City of Higgins, the Higgins Independent School District and in the County of Lipscomb; donating to the City of Higgins and Higgins Independent School District equally, all State ad valorem taxes levied and collected on all property in Lipscomb County, Texas, for certain years; etc., and declaring an emergency."

H. B. No. 100, A bill to be entitled "An Act requiring that all dogs be vaccinated against rabies, if three months of age or over; etc., and declaring an emergency."

H. B. No. 535, A bill to be entitled "An Act to amend Title 49 of the Revised Civil Statutes of Texas, 1925, by adding thereto Article 2654F, providing for the exemption of the payment of tuition and other fees to State owned educational institutions of collegiate rank for high school graduates of the State orphanages, and declaring an emergency."

S. B. No. 313, A bill to be entitled "An Act amending Acts 1929, 41st Legislature, page 406, Chapter 187, as amended by Acts 1931, 42nd Legislature, page 745, Chapter 292, as amended by Acts 1947, 50th Legislature, page 397, Chapter 225, increasing the number of Assistant District Attorneys in the 72nd Judicial District of Texas from One to Two and authorizing the payment to each Assistant of an annual salary of \$3,800.00 to be paid out of the General Revenue Fund of the State; and declaring an emergency."

H. B. No. 964, A bill to be entitled "An Act to amend Sections 2 and 3 of Article II, S. B. 115, Acts of the Fifty-first Legislature Regular Session, 1949, so as to clarify the terms of office of the members of the State Board of Education; changing the time of notice of holding a special election with the board members in 1950 divorcing a holding of the regular election of board members from the local Board of Trustees and placing it in the hands of the general election officials of this State; providing the candidates to the State Board election shall be nominated in a primary election as is provided by the general election laws of this State regulating primaries; providing that such nominees shall have their names placed on the general election ballot and declaring an emergency."

H. B. No. 985, A bill to be entitled "An Act to validate all citations and notices heretofore issued in lunacy, guardianship or estates of decedents, or any other probate proceedings, directed to the sheriff or constable of the county in which such proceedings are instituted instead of to any sheriff or constable within the State of Texas, together with all uncontested orders, decrees, sales, leases, and judgments grounded on such citations or notices; and to validate all personal services required in lunacy, guardianship or estates of decedents, or any other probate proceedings directed to the sheriff or constable of the county in which the person named in the citation or notice was located instead of to any sheriff or constable within the State of Texas, together with all uncontested orders, decrees, sales, leases and judgments grounded on such citations or notices; provided this Act shall not apply in certain cases, and declaring an

emergency."

H. B. No. 988, A bill to be entitled "An Act validating, ratifying, approving and confirming certain proceedings and bonds heretofore had or authorized by cities for the construction and equipment of a municipal garage and for the construction of a municipal public park band shell, either or both; providing that this Act shall not apply to any proceedings or bonds the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

The House has concurred in Senate amendments to H. C. R. No. 129 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 244 by vote of 107 yeas, 6 nays.

The House refused to concur in Senate amendments to House Bill No. 37 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following have been appointed on the part of the House:

Oltorf, Nokes, Stump, Stockard, Staton.

S. B. No. 481, A bill to be entitled "An Act amending the second paragraph of Section 11 of Chapter 358 of the Acts of the 49th Legislature, Regular Session, 1945, also known as Article 6053 of Vernon's Annotated Civil Statutes, so as to clarify and specify the kind and amounts of insurance coverage to be carried by every licensee, as described in that Act, and declaring an emergency."

(With amendments)

The House has concurred in Senate amendments to House Bill No. 777 by vote of 105 yeas, 2 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 501 on First Reading

Senator Kelley of Hidalgo moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Morris
Colson	Phillips
Corbin	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent

Cousins	Hazlewood
Hardeman	Moore

Absent—Excused

Bullock	Carney
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelley of Hidalgo:

S. B. No. 501, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund of the State of Texas to the Agricultural and Mechanical College (the Texas Agricultural Experiment Station System) for the benefit of Substation No. 15—Weslaco, \$50,000.00 for the next biennium beginning September 1, 1949, and ending August 31, 1951, for continued research and personnel to restore irrigation soils; prevent citrus tree losses, irrigation, darinage, and engineering problems; dehydration, processing, and manufacturing; insect and disease control; livestock production; crop rotations and fertilizers on citrus and vegetable crops, etc. Salaries, labor, equipment, buildings and maintenance; and declaring an emergency."

To the Committee on Finance.

**Conference Committee on
House Bill 37**

The President announced the appointment of the following conference committee on the part of the Senate on House Bill No. 37:

Senators Harris, Kelley of Hidalgo, Bracewell, Hardeman, and Aikin.

Reports of Standing Committee

By unanimous consent, the following reports were submitted at this

time:

Senator Taylor submitted the following reports:

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 501, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

TAYLOR, Chairman.

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 42, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

TAYLOR, Chairman.

Bills Ordered Not Printed

On motion of Senator Taylor, it was ordered that S. B. No. 501 and H. B. No. 42 be not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 75, Providing that the Texas Surplus Property Agency shall serve ex-officio and without any compensation.

S. C. R. No. 59, Granting permission to certain corporations named herein, to sue the State of Texas.

S. C. R. No. 60, Relative to granting permission to A. V. Moore and wife, Mrs. Alma B. Moore, to sue the State of Texas, and/or the State Highway Department, etc.

S. C. R. No. 61, Relative to granting permission to the Pacific Securities Corporation and J. C. Ingleman, Inc., to sue the State of Texas and/or

the Secretary of State and the State Treasurer, etc.

H. B. No. 987, A bill to be entitled "An Act amending Sections 1 and 2 of H. B. No. 24, Acts 51st Legislature, Regular Session, 1949, so as to change the period of time in which the tax remission will begin; and declaring an emergency."

H. C. R. No. 152, In memory of the Honorable James Thomas Harrington.

H. B. No. 971, A bill to be entitled "An Act amending Chapter 63, page 169, Acts of first called session of the 43rd Legislature 1933, as amended by Acts 1934, 43rd Legislature, 4th called session, page 47, Chapter 17, and as amended by Acts 1941, 47th Legislature, page 1112, Chapter 570, by adding thereto a new section to be known as Section 13 (one) to provide that Lower Neches Valley Authority shall have the power and right to acquire and own lands within or without said district by purchase or by eminent domain, as provided by Section 13 (1), for the purpose of operation and maintenance of same as public parks for public recreation; and that said District shall have the power to construct improvements and facilities on such lands to accomplish such purpose; and to further provide that no funds derived from taxation shall be expended for such purposes; and declaring an emergency."

(With engrossed rider)

H. B. No. 990, A bill to be entitled "An Act to amend Article 7094, Revised Civil Statutes of Texas of 1925, as amended by House Bill No. 777, passed at the Regular Session of the Fifty-first Legislature; and declaring an emergency."

H. C. R. No. 151, In memory of Dr. James Robert Towns of Livingston, Texas.

S. C. R. No. 65, Providing for sine die adjournment.

(With amendment)

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Report of Conference Committee on
House Bill 97

The President laid before the Senate

for consideration at this time, the report of the conference committee on H. B. No. 97.

The report having been submitted and read on yesterday.

Question—Shall the report be adopted?

(Senator Aikin in the Chair)

Motion to Adjourn

Senator Bracewell moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—5

Ashley	Lock
Bracewell	Taylor
Cousins	

Nays—22

Aikin	Martin
Bell	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Morris
Harris	Phillips
Hudson	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Tynan
Lane	Vick

Absent

Hazlewood	Weinert
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Absent—Excused

Bullock	Carney
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Motion to Recess

Senator Cousins moved that the Senate recess to 2:30 o'clock p.m. today.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Aikin	Hudson
Ashley	Lock
Bracewell	Moffett
Colson	Taylor
Cousins	Tynan

Nays—17

Bell	Corbin
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Hardeman	Moore
Harris	Morris
Jones	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Shofner
Lane	Strauss
Martin	Vick
McDonald	

Absent

Hazlewood	Weinert
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Absent—Excused

Bullock	Carney
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Pending further discussion of the conference committee report by Senator Ashley, Senator Cousins moved that the Senate recess to 2:30 o'clock p.m. today.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Aikin	Jones
Ashley	Lock
Bracewell	Moffett
Colson	Taylor
Cousins	Tynan
Hudson	

Nays—14

Corbin	McDonald
Hardeman	Morris
Harris	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Shofner
Lane	Strauss
Martin	Vick

Absent

Bell	Moore
Hazlewood	Weinert

Absent—Excused

Bullock	Carney
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(President in the Chair)

Senator Ashley moved that the Senate do not adopt the report on H. B. No. 97 and that a new conference committee be appointed to adjust the differences between the two Houses on the bill.

Senator Hudson moved to suspend the pending business and the regular order of business to take up S. B. No. 498 for consideration at this time.

Senator Harris raised a point of order against consideration of the motion of Senator Hudson on the ground that there was a privileged motion pending.

The President overruled the point of order.

Senator Harris requested that Senator Hudson reduce his motion to writing.

Senator Hudson then submitted the following motion in writing:

I move to suspend the regular order of business and take up S. B. No. 498.

Pending discussion of the motion, Senator Aikin moved that the Senate recess to 2:30 o'clock p.m. today.

Yeas and nays were demanded, and the motion to recess was lost by the following vote:

Yeas—13

Aikin	Kelly of Tarrant
Ashley	Lock
Bracewell	Moffett
Colson	Phillips
Cousins	Proffer
Hudson	Taylor
Jones	

Nays—14

Bell	McDonald
Corbin	Moore
Hardeman	Morris
Harris	Shofner
Kelley of Hidalgo	Strauss
Lane	Tynan
Martin	Vick

Absent

Hazlewood	Weinert
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Absent—Excused

Bullock	Carney
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Senator Harris called for a division of the question, stating that the effect of Senator Hudson's motion would be to suspend two separate Senate rules, namely Rule 26 and Rule 13.

Question first recurring on that part of the motion by Senator Hudson that would suspend Rule 26, yeas and nays were demanded, it was lost by the following vote:

Yeas—13

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Colson	Morris
Cousins	Phillips
Hudson	Taylor
Kelley of Hidalgo	

Nays—14

Bell	McDonald
Corbin	Moore
Hardeman	Proffer
Harris	Shofner
Jones	Strauss
Kelly of Tarrant	Tynan
Martin	Vick

Absent

Hazlewood	Weinert
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Absent—Excused

Bullock	Carney
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The part of Senator Hudson's motion that would suspend Rule 13 necessarily was not voted on after defeat of the part calling for a suspension of Rule 26.

Question recurred—shall the motion of Senator Ashley in regard to the conference report on H. B. No. 97 prevail?

Senator Harris then moved to table the motion of Senator Ashley.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—21

Bell	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Morris
Harris	Phillips
Hudson	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Tynan
Lane	Vick
Martin	

Nays—6

Aikin	Cousins
Ashley	Lock
Bracewell	Taylor

Absent

Bullock	Carney
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Hazlewood	Weinert
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Absent—Excused

Bullock	Carney
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Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—23

Aikin	Martin
Bell	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Morris
Harris	Phillips
Hudson	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Nays—4

Ashley	Cousins
Bracewell	Taylor

Absent

Hazlewood	Weinert
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Absent—Excused

Bullock	Carney
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Senate Concurrent Resolution 65 with House Amendments

Senator Taylor called S. C. R. No. 65 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Taylor moved that the Senate concur in the House amendments.

The motion prevailed.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 493, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to establish a Medical Department of the University of

Texas at a location within the State of Texas, other than Galveston, Texas; authorizing the Board of Regents of the University of Texas to prescribe courses leading to customary degrees and to make such rules and regulations for the operation, control, and management of such school as may be necessary for its conduct as a Medical College of the first class; authorizing the Board of Regents of the University of Texas to fix the amount of tuition and fees to be charged at said Medical Branch and appropriating same for the use and benefit of said Medical Branch unless otherwise provided by a legislative enactment; etc., and declaring an emergency."

S. B. No. 313, A bill to be entitled "An Act amending Acts 1929, 41st Legislature, page 406, Chapter 187 as amended by Acts 1931, 42nd Legislature, page 745, Chapter 292, as amended by Acts 1947, 50th Legislature, page 397, Chapter 225, increasing the number of Assistant District Attorneys in the 72nd Judicial District of Texas from One to Two and authorizing the payment to each Assistant of an annual salary of \$3,800.00 to be paid out of the General Fund of Lubbock County; and declaring an emergency."

S. B. No. 359, A bill to be entitled "An Act to facilitate the construction of certain projects on the Rio Grande River under the Treaty of February 3, 1944, between the United States of America and United Mexican States by authorizing the Governor of the State of Texas to grant the title of the State of Texas to such of those portions of the bed and banks of the Rio Grande River in Hidalgo, Starr and Zapata Counties, Texas as may be necessary or expedient for the construction of any of the works provided for by such Treaty but preserving to the State of Texas all minerals subject to certain conditions under which such minerals may be explored for, produced or developed; and declaring an emergency."

S. B. No. 482, A bill to be entitled "An Act applying to any city which is operating under a home rule charter, which charter authorizes such city to furnish electric light and power service both within and without the city limits and to construct rural electrical lines; authorizing such city

to set up such rural electric system as a unit separate from the city system, in which event each shall constitute a separate utility; etc., and declaring an emergency."

S. B. No. 497, A bill to be entitled "An Act making a supplemental appropriation for the Fire Insurance Division of the Board of Insurance Commissioners, and declaring an emergency."

H. C. R. No. 148, Instructing the Enrolling Clerk of the House to strike out the words "fox, coon and for squirrel" whenever they appear in H. B. No. 934 and insert in lieu thereof the words "fur bearing animal."

H. B. No. 934, A bill to be entitled "An Act prohibiting any person to trap, or set any trap or deadfall for any fox, coon, and/or squirrel in Shelby County; providing a penalty; and declaring an emergency."

H. B. No. 737, A bill to be entitled "An Act amending Section 3, Article 6008a, Title 102, Vernon's Civil Statutes of the State of Texas, Annotated, Revision of 1925, being Senate Bill No. 407, Acts of the 45th Legislature of the year 1937, as amended by Senate Bill No. 227, Chapter 351, Acts of the 50th Legislature, by amending Subdivision (g) thereof, providing that sweet gas produced from any gas well in this State may be utilized without the prior extraction of its gasoline content for the manufacture of carbon black where it is utilized in a plant producing an average of not less than one and one-half (1½) pounds of carbon black for each one thousand (1,000) cubic feet of such gas; etc., and declaring an emergency."

S. C. R. No. 59, Granting the Trinity Lumber Company, the Drumm Commission Company, the J. Rosenbaum Grain Company, the Capitol Freehold Land and Investment Company, and the C. B. Livestock Company permission to sue the State.

S. C. R. No. 61, Granting the Pacific Securities Corporation permission to sue the State.

S. C. R. No. 60, Relative to granting permission to A. V. Moore and wife, Mrs. Alma B. Moore, to sue the State of Texas, and/or the State Highway Department, etc.

S. C. R. No. 75, Providing that the Texas Surplus Property Agency shall serve ex-officio and without any compensation.

Recess

On motion of Senator Aikin, the Senate at 1:00 o'clock p.m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

Leaves of Absence Granted

Senator Moore was granted leave of absence for the remainder of the day on account of important business on motion of Senator Corbin.

Senator Bell was granted leave of absence for the remainder of the day on account of important business on motion of Senator Hardeman.

House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 988, to Committee on Counties and County Boundaries.

H. B. No. 985, to Committee on Civil Jurisprudence.

H. B. No. 40, to Committee on State Affairs.

H. B. No. 964, to Committee on State Affairs.

H. B. No. 535, to Committee on Education.

H. B. No. 100, to Committee on Public Health.

H. B. No. 987, to Committee on Counties and County Boundaries.

H. B. No. 971, to Committee on Counties and County Boundaries.

H. B. No. 990, to Committee on Civil Jurisprudence.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Hardeman submitted the following report:

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 41, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Senator Jones submitted the following reports:

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 987, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 988, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 971, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Senator Proffer submitted the following report:

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B.

No. 535, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senator Harris submitted the following report:

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Dear Sir: We, your Committee on Rules, have had House Bill No. 820 under consideration, and beg to report it back to the Senate that it do not pass, but that the Committee Substitute do pass in lieu thereof and be printed.

HARRIS, Chairman.

C. S. H. B. No. 820 was read first time.

Conference Committee on House Bill 586

The President announced the appointment of the following conference committee on the part of the Senate on H. B. No. 586:

Senators Hazlewood, Martin, Corbin, Colson, and Shofner.

Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
June 28, 1949.

To the Members of the 51st Legislature:

Adoption by Texas of the Gulf States Marine Fisheries Compact is highly desirable at this session of the Legislature. The States of Florida, Alabama and Louisiana have already adopted it, and a meeting of the signatory States is scheduled at Mobile, Alabama, July 16, 1949, to sign the compact.

This compact binds the Southern coastal States together for a joint study of Gulf fisheries and the means of better utilizing the marine, shell and anadromous resources in the Gulf of Mexico.

The Federal Government approved this compact by Public Law 66 of the 81st Congress.

This matter is deemed of sufficient importance that I hereby submit it as a subject for emergency legislation under authority of Section 5, Article III of the Constitution. I understand that a bill approving this Compact has already been passed in the Senate.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Senate Bill 501 on Second Reading

Senator Kelley of Hidalgo moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 501 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Absent

Harris	Weinert
Hazlewood	

Absent—Excused

Bell	Carney
Bullock	Moore

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 501, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund of the State of Texas to the A. & M. College for benefit of Sub-station No. 15—Weslaco, \$50,000.00 for next biennium beginning Sept. 1, 1949, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 501 on Third Reading

The President then laid the bill before the Senate on its third reading

and final passage.

The bill was read third time and was passed.

House Bill 42 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 42, A bill to be entitled "An Act approving the election by the Stephen F. Austin State Teachers College in exercising its option to purchase the two hundred-acre tract of land, more or less, known as the R. G. Muckleroy Farm situated east of the City of Nacogdoches on State Highway No. 21 and now under lease by the College; making an appropriation of \$25,000.00 to pay therefor; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 42 on Third Reading

Senator Lock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Lane	Vick
Lock	

Nays—1

Hardeman

Absent

Harris	Morris
Hazlewood	Weinert
Kelly of Tarrant	

Absent—Excused

Bell	Carney
Bullock	Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick

Nays—1

Hardeman

Absent

Harris	Hudson
Hazlewood	Weinert

Absent—Excused

Bell	Carney
Bullock	Moore

Senate Bill 498 on Second Reading

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 498, A bill to be entitled "An Act amending Articles 5369, 5370 and 5371 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Senate Bill 391, Acts of the 51st Legislature of Texas, to secure the State against drainage of oil and/or gas by lease on lands not included in this law; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 498 on Third Reading

Senator Hudson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 498 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Morris
Cousins	Phillips
Harris	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Nays—2

Corbin	Hardeman
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Absent

Hazlewood	Weinert
Lock	

Absent—Excused

Bell	Carney
Bullock	Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Morris
Cousins	Phillips
Harris	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Nays—1

Hardeman

Absent

Corbin	Weinert
Hazlewood	

Absent—Excused

Bell	Carney
Bullock	Moore

**Committee Substitute Senate
Concurrent Resolution 11**

On motion of Senator Kelly of Tarrant and by unanimous consent, the regular order of business was sus-

pending to take up for consideration at this time:

C. S. S. C. R. No. 11, Providing for a committee to make a study of the structure of the State Government.

The resolution was read and was adopted.

House Bill 268 on Third Reading

Senator Taylor moved to suspend the regular order of business to take up House Bill No. 268 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	McDonald
Bracewell	Moffett
Corbin	Morris
Cousins	Phillips
Jones	Proffer
Kelley of Hidalgo	Shofner
Kelly of Tarrant	Strauss
Lane	Taylor
Lock	Tynan
Martin	

Nays—5

Ashley	Hudson
Hardeman	Vick
Harris	

Absent

Colson	Weinert
Hazlewood	

Absent—Excused

Bell	Carney
Bullock	Moore

The President then laid before the Senate on its third reading and final passage:

H. B. No. 268, A bill to be entitled "An Act to donate and grant State ad valorem general fund taxes to Henderson County for a period of two years to repair bridges and roads, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—12

Bracewell	Kelley of Hidalgo
Corbin	McDonald
Cousins	Phillips
Jones	Proffer

Shofner
Strauss

Taylor
Tynan

Nays—11

Aikin	Kelly of Tarrant
Ashley	Lane
Colson	Martin
Hardeman	Morris
Harris	Vick
Hudson	

Absent

Hazlewood	Moffett
Lock	Weinert

Absent—Excused

Bell	Carney
Bullock	Moore

**Motion to Place House Bill 99 on
Second Reading**

Senator Morris moved to suspend the regular order of business to take up House Bill No. 99 for consideration at this time.

The motion was lost by the following vote:

Yeas—12

Bracewell	Kelly of Tarrant
Cousins	Martin
Harris	Morris
Hazlewood	Phillips
Jones	Taylor
Kelley of Hidalgo	Tynan

Nays—12

Aikin	Lock
Ashley	McDonald
Corbin	Proffer
Hardeman	Shofner
Hudson	Strauss
Lane	Vick

Absent

Colson	Weinert
Moffett	

Absent—Excused

Bell	Carney
Bullock	Moore

Senate Concurrent Resolution 76

On motion of Senator Proffer, the regular order of business was suspended to take up S. C. R. No. 76 for consideration at this time.

By unanimous consent, Senator Proffer withdrew the resolution offered by him on yesterday and offered the following resolution in lieu thereof:

ferred the following resolution in lieu thereof:

S. C. R. No. 76, Providing for delegates to attend Council of State Governments.

Whereas, The Texas Legislature only recently passed Senate Bill 316, creating a Texas Legislative Council, and

Whereas, The benefits accruing to Texas through the proper functioning of this council are of paramount importance, and

Whereas, The Council of State Governments is sponsoring a National meeting for members of State councils and their staffs in Chicago, Illinois, on October 27th and 28th, at which time the council will give extensive consideration to the problems of organizing and operating Legislative Councils, and

Whereas, Other meetings may be called by the Council of State Governments which would be beneficial to those states operating legislative councils, now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Members of the Texas Legislative Council of the Fifty-first Legislature or other members of the Legislature are hereby authorized to attend any official meeting called by the Council of State Governments, when so designated by the Chairman of the Council, and that actual and necessary expenses incurred by said members, the chairmen and its staff while in attendance at said meetings are hereby authorized to be paid out of the contingent expense fund; provided that this authorization shall not be for more than two members of each House of the Legislature and its Council staff at any official meeting of the Council of State Governments; and provided further that itemized accounts of actual and necessary expenses shall be filed with the Chairman of the Senate Contingent Expense Committee under oath; and be it further

Resolved, That the necessary expenses of said person or persons to such meetings on official State business for the Texas Legislative Council be paid from the contingent expense fund of the Fifty-first Legislature, when such attendance is approved by the Chairman of the Council.

The resolution was read and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the adoption of the resolution.

Senate Bill 481 with House Amendments

Senator Strauss called S. B. No. 481 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Strauss moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—23

Aikin	Kelly of Tarrant
Ashley	Lane
Bracewell	Martin
Colson	Moffett
Corbin	Morris
Cousins	Phillips
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Absent

Lock	Proffer
McDonald	Weinert

Absent—Excused

Bell	Carney
Bullock	Moore

Report of Conference Committee on Senate Bill 180

Senator Ashley submitted the following report:

Austin, Texas,
June 27, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Hon. Allan Shivers, President of the Senate.

Sirs: We, your committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 180, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

ASHLEY
KELLY of Tarrant
TAYLOR
McDONALD
BRACEWELL

On the part of the Senate:

SLIMP
BROOKS of Jefferson
CLIFTON
PATTISON

On the part of the House:

S. B. No. 180

By: Ashley

**A BILL
TO BE ENTITLED**

"An Act providing for leaves of absence without loss of time or efficiency rating of all officers and employees of the State of Texas; providing for authorization by any county, or political subdivision thereof, including municipalities, who are members of the National Guard or official militia of Texas or members of any of the Reserve Components of the Armed Forces; providing for method of payment of State officers and employees; providing that the limitation as to the number of days allowed shall not apply to members of the Legislature, and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. All officers and employees of the State of Texas who shall be members of the National Guard or official militia of Texas or members of any of the Reserve Components of the Armed Forces shall be entitled to leave of absence from their respective duties, without loss of time or efficiency rating, on all days during which they shall be engaged in field or coast defense training, ordered or authorized by proper authority.

Sec. 2. All officers and employees of the State of Texas who shall be members of the National Guard or official militia of Texas or members of any of the Reserve Components of the Armed Forces shall be entitled to leave of absence from their respective duties, without loss of time or efficiency rating on all days of any parade or encampment, ordered or authorized by proper authority.

Sec. 3. All officers and employees of the State of Texas who shall be members of the National Guard or official militia of Texas or members of any of the Reserve Components

of the Armed Forces shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating, on all days on which they shall be ordered by proper authority to duty with troops or field exercises or for instruction for not to exceed fifteen (15) days in any one calendar year; provided, however, that the State Comptroller shall pay to the officer or employee the difference between his pay and allowances when on active duty as certified by said officer or employee and his salary from the State of Texas when the latter is the greater and when authorized to do so by the Head of the Department or the directing board of an institution or agency where such officer or employee is employed.

Sec. 4. Members of the National Guard or official militia of Texas or members of any of the Reserve Components of the Armed Forces who are in the employ of the State of Texas who are ordered to duty by proper authority shall, when relieved from duty, be restored to the position held by them when ordered to duty.

Sec. 5. The provisions of this Act limiting such leaves of absence with pay to fifteen (15) days in any one calendar year shall not apply to members of the Legislature, but members of the Legislature shall be entitled to pay on all days, without limitations as to number thereof, when they may be absent from the session of the Legislature and engage as above provided.

Sec. 6. The governing body of each county or political subdivision of the State, including that of each municipality, is hereby authorized to grant eligibility for leaves of absence to all officers or employees thereof under the same conditions and provisions as those applicable to officers and employees of the State.

Sec. 7. All laws and parts of laws in conflict herewith are repealed.

Sec. 8. The importance of this Act and the fact that the National Defense depends largely on the fitness of the members of the National Guard, the official militia, and the various Reserves of the Armed Forces and their proper training, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read in each House on three several

days be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

House Bill 461 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 461, A bill to be entitled "An Act amending Article 5845, R. C. S. of Texas, 1925, providing for medical aid and expenses to members of the military forces of this State who shall be wounded, disabled or injured while in service of this State; providing that this Act shall also be applicable to persons who are injured while on active duty prior to 1940; making an appropriation to cover the expenses; providing this Act shall be severable; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 461 by inserting the following sentence after the words "Section 1" and immediately before the words "Every member":

"Article 5845, Revised Civil Statutes of Texas, 1925, are hereby amended so that it will hereafter read as follows:"

The amendment was adopted.

On motion of Senator Martin and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 461 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 461 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Colson	Moffett
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

Hudson	Phillips
McDonald	Weinert

Absent—Excused

Bell	Carney
Bullock	Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Colson	Moffett
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent

Hudson	Weinert
McDonald	

Absent—Excused

Bell	Carney
Bullock	Moore

Report of Conference Committee on House Bill 320

Senator Taylor called for consideration at this time, the report of the conference committee on H. B. No. 320.

The report having been submitted on yesterday.

Question recurring on the report, it was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 33, A bill to be entitled "An Act amending Sections 25, 26, and 38 of Senate Bill No. 111, Chapter 61, page 100 of the General Laws passed by the Second Called Session of the 41st Legislature, as amended; and declaring an emergency.

June 28, 1949. The House has adopted the conference committee report on House Bill No. 320 by a vote of 104 yeas, 23 nays.

H. J. R. No. 46, Amending Section 2 of Senate Joint Resolution No. 4; Section 2 of Senate Joint Resolution No. 1; Section 2 of Senate Joint Resolution No. 5; Section 2 of House Joint Resolution No. 15; Section 2 of House Joint Resolution No. 38; Section 2 of House Joint Resolution No. 19; Section 4 of House Joint Resolution No. 5; Section 2 of House Joint Resolution No. 32; Section 2 of House Joint Resolution No. 36; Section 2 of House Joint Resolution No. 22; all of said Joint Resolutions being Acts of the Fifty-first Legislature, and amending each so that the election to be held thereon shall be on November 8, 1949.

June 28, 1949. The House has adopted the conference committee report on House Bill No. 705 by a vote of 118 yeas, 6 nays.

The House has concurred in Senate amendments to House Bill No. 84 by viva voce vote.

June 28, 1949. The House has adopted the conference committee report on Senate Bill No. 180 by a division vote.

June 28, 1949. The House has adopted the conference committee report on Senate Bill No. 338 by a division vote.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

**Report of Conference Committee on
House Bill 322**

Senator Taylor called for consideration at this time, the report of the conference committee on H. B. No. 322.

The report having been submitted on yesterday.

Question recurring on the report, it was adopted.

Senator Hardeman moved to reconsider the vote by which the report was adopted.

The motion to reconsider prevailed.

Question—Shall the report be adopted?

Pending discussion of the report Senators Hudson and Strauss occupied the chair temporarily.

(President in the Chair)

Senator Hardeman moved that the Senate do not adopt the report and that a new conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion was lost by the following vote:

Yeas—5

Hardeman	Martin
Hudson	Vick
Kelly of Tarrant	

Nays—19

Aikin	Lock
Ashley	McDonald
Bracewell	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Lane	

Absent

Hazlewood	Weinert
Moffett	

Absent—Excused

Bell	Carney
Bullock	Moore

Question recurring on the report, it was adopted.

Record of Votes

Senators Hardeman, Hudson, Shofner, Kelly of Tarrant, Vick and Martin asked to be recorded as voting "nay" on the adoption of the report.

**Report of Conference Committee on
House Bill 321**

Senator Taylor called for consideration at this time, the report of the conference committee on House Bill No. 321.

The report having been submitted on yesterday.

The report was adopted by the following vote:

Yeas—18

Aikin	Lane
Ashley	Lock
Bracewell	McDonald
Colson	Moffett
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Jones	Taylor
Kelly of Tarrant	Tynan

Nays—8

Corbin	Martin
Hazlewood	Shofner
Hudson	Strauss
Kelley of Hidalgo	Vick

Absent

Weinert

Absent—Excused

Bell	Carney
Bullock	Moore

Reasons for Vote

I am voting no on the motion to adopt the conference committee report on H. B. No. 321 for the reason that all of the items which were originally incorporated in the Senate version of the bill for the construction of new buildings and repair and renovation of old buildings in our eleemosynary institutions in the amount of approximately 23½ million dollars have been completely removed and eliminated from this report. Otherwise I would vote to adopt the report.

KELLEY of Hidalgo

Our reasons for voting no on H. B. No. 321, is that the amount of

approximately \$23,548,000 has been taken out of this bill. This amount represented needed buildings and permanent improvements and was an absolute necessity. We did not feel justified in taking a chance on the passage of a constitutional amendment to authorize the issuance of State bonds for this purpose and therefore voted no.

VICK
SHOFNER
CORBIN

Report of Conference Committee on House Bill 319

Senator Taylor called for consideration at this time, the report of the conference committee on H. B. No. 319.

The report having been submitted on yesterday.

Question—Shall the report be adopted?

Senator Hudson moved that the Senate do not adopt the report and that a new conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion was lost by the following vote:

Yeas—6

Corbin	Kelly of Tarrant
Hudson	Tynan
Kelley of Hidalgo	Vick

Nays—20

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Colson	Moffett
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Jones	Strauss
Lane	Taylor

Absent

Weinert

Absent—Excused

Bell	Carney
Bullock	Moore

Question recurring on the report, it was adopted.

Record of Votes

Senators Kelly of Tarrant, Hudson

and Vick asked to be recorded as voting "nay" on the adoption of the report.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 154, Suspending the Joint Rules of the House and Senate to allow the House to consider local and uncontested bills on Wednesday, June 29, 1949.

H. J. R. No. 43, Proposing an amendment to Article VIII of the Constitution of the State of Texas by the addition of Section 1-b providing for State ad valorem tax levies for the years 1949 and 1950 in those counties from which tax donations have not heretofore been granted and in those counties from which the tax donation heretofore granted is less than the full amount of State ad valorem taxes levied in said counties, and donating the amounts so levied and not heretofore donated to the respective counties from which the tax revenues are derived, said revenues to be expended by the counties solely for the construction and maintenance of Farm-to-Market Roads or for Flood Control; providing for an election, appropriating funds therefor, and for the issuance of a proclamation therefor.

(With engrossed riders.)

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Joint Resolution 46 on Second Reading

On motion of Senator Harris and by unanimous consent, the necessary Senate Rules were suspended to permit immediate consideration of the following resolution:

H. J. R. No. 46, Amending Section 2 of Senate Joint Resolution No. 1; Section 2 of Senate Joint Resolution No. 5; Section 2 of House Joint Resolution No. 15; Section 2 of House Joint Resolution No. 38; Section 2 of House Joint Resolution No. 19; Section 4 of

House Joint Resolution No. 5; Section 2 of House Joint Resolution No. 32; Section 2 of House Joint Resolution No. 36; Section 2 of House Joint Resolution No. 22; all of said Joint Resolutions being Acts of the Fifty-first Legislature, and amending each so that the election to be held thereon shall be on November 8, 1949.

The resolution was read second time and passed to third reading.

House Joint Resolution 46 on Third Reading

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent

Weinert

Absent—Excused

Bell	Carney
Bullock	Moore

Senate Bill 502 on First Reading

Senator Strauss moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Harris
Ashley	Hazlewood
Bracewell	Hudson
Colson	Jones
Corbin	Kelley of Hidalgo
Cousins	Kelly of Tarrant
Hardeman	Lane

Lock	Proffer
Martin	Shofner
McDonald	Strauss
Moffett	Taylor
Morris	Tynan
Phillips	Vick

Absent

Weinert

Absent—Excused

Bell	Carney
Bullock	Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Strauss:

S. B. No. 502, A bill to be entitled "An Act amending Section 2 of Article 2368a of Vernon's Civil Statutes of Texas, being Section 2, Acts 1931, 42nd Legislature, page 269, Chapter 163, as amended by House Bill No. 82, Acts of the 50th Legislature, 1947, Chapter 173, page 283, and as further amended by Senate Bill 436, Acts of the 51st Legislature, 1949; and validating, ratifying, confirming and approving certain contracts, scrip and time warrants authorized by counties and cities of this State since the approval by the Governor of Texas of said Chapter 173, upon certain specified conditions but excepting from the validating provisions all contracts, scrip and time warrants of counties of more than 325,000 population according to the last preceding Federal Census, and all contracts, scrip and time warrants the validity of which is involved in litigation on the effective date of this Act; repealing all General and Special Laws in conflict except H. B. 106 enacted by the 51st Legislature, 1949; providing that Section 5 and Section 6 of said Chapter 163 shall not be affected hereby except as limited by said H. B. 106; and declaring an emergency."

To the Committee on Counties and County Boundaries.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Senator Jones submitted the following report:

Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 502, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 159, A bill to be entitled "An Act providing a standard measurement for gas (including natural and casinghead); defining a 'cubic foot of gas,' or 'standard cubic foot of gas'; amending subsection (k) of Sec. 2 of Article 6008, R.C.S. of Texas of 1925 as heretofore amended, (such subsection (k) being that section of the Statutes defining a cubic foot of gas as applied to the production and use of natural gas), so as to substitute for the definition now contained therein the definition of a standard cubic foot of gas as defined in this Act; etc.; and declaring an emergency."

H. B. No. 597, A bill to be entitled "An Act providing for the protection of unborn children and the public health by requiring prenatal examinations for syphilis; providing for the examinations and standard serologic tests for pregnant women and certificates and laboratory statements with respect thereto; providing for method of approval of laboratories performing such tests; providing for waiving of examinations and certificates under certain conditions; defining a standard serologic test for syphilis; and providing penalties for the violation thereof."

H. B. No. 588, A bill to be entitled "An Act providing for the protection of unborn children and the public health, requiring premarital examinations for syphilis; providing for examinations and standard serologic tests for applicants for marriage, and physicians' certificates and laboratory statements with respect thereto; providing for methods of approval of laboratories performing such tests; providing for waiving of medical examination under certain conditions; providing for the accepting of certificates from states other than Texas; defining a standard serologic test for

syphilis; and providing penalties for the violation thereof."

H. B. No. 848, A bill to be entitled "An Act authorizing counties having a population of not less than two thousand (2,000) nor more than two thousand three hundred (2,300) and counties having a population of not less than two thousand five hundred (2,500) nor more than two thousand eight hundred (2,800) inhabitants according to the last preceding Federal Census to expend moneys for the purpose of maintenance and upkeep of the public cemeteries; and declaring an emergency."

H. B. No. 972, A bill to be entitled "An Act making an appropriation from the General Revenue Fund for the publication of certain proposed Constitutional Amendments; and declaring an emergency."

H. B. No. 150, A bill to be entitled "An Act to amend Article 1457 of Chapter 12, Title 17 of Penal Code of the State of Texas, 1925, by requiring whoever sells at auction, buys for processing purposes, or sells for a commission, any livestock, to make and keep available for public inspection a record showing the license number, model and make, of motor vehicle or trailer, if any, in which such animal is or was transported to place of sale."

H. B. No. 920, A bill to be entitled "An Act to authorize the governing body of any incorporated city or town in this State to ascertain the population of any such city or town for all municipal purposes; ratifying the acts of all cities and towns heretofore taken by resolution or ordinance adopted by such governing body in that regard, and declaring an emergency."

H. B. No. 599, A bill to be entitled "An Act amending Article 1577, R. C. S. of Texas, 1925, providing for the sale or lease of real estate owned by counties in the State of Texas; providing for and regulating the sale or lease of real estate embraced within or situated without county parks; providing that this Act shall be cumulative of all laws of this State pertaining to the subject matter of this Act when not in conflict with this Act; repealing all laws and parts of laws of this State in conflict with this Act to the extent of such conflict only; providing for savings clauses; and declaring an emergency."

H. B. No. 244, A bill to be entitled "An Act making an emergency appropriation out of the Board of Barber Examiners Fund to the State Board of Barber Examiners, and declaring an emergency."

H. B. No. 88, A bill to be entitled "An Act amending Article 6820, Revised Civil Statutes of 1925, increasing the expense allowance of District Judges under certain conditions, and declaring an emergency."

H. B. No. 952, "Providing for the appointment of an Assignment Clerk for the 37th, 45th, 57th and 73rd

District Courts of Bexar County, Texas, providing for a salary; and declaring an emergency."

S. C. R. No. 65, Providing for adjournment sine die on Wednesday, July 6, 1949.

H. C. R. No. 129, Relative to reduction in certain House appropriation bills.

Recess

On motion of Senator Moffett, the Senate at 5:20 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

In Memory of
Mr. Yance Holleman

Senator Colson offered the following resolution:

(Senate Resolution 213)

Whereas, On June 22, 1949, the illustrious career of Mr. Yance Holleman was closed by his death at Centerville, Leon County, Texas; and

Whereas, Mr. Holleman was a native of Leon County, having at one time served as County Treasurer and Justice of the Peace; and

Whereas, Mr. Holleman was charitable to the unfortunate, and friendly and generous in his consideration for others, he found comfort and joy in his life of devotion to his family and friends; and

Whereas, Mr. Holleman is survived by his widow and his children, Mr. Dewitt Holleman, Business Manager of Sam Houston State Teachers College, Huntsville, Texas, Mrs. Leland Craig of Huntsville, Texas, and Mr. Bill Holleman of Houston, Texas, and one brother, Mr. Rush Holleman of Centerville, Texas, and two sisters, Mrs. Bessie Davis of Elkhart, Texas, and Mrs. Willie Wingfield of Austin, Texas; and

Whereas, It is the desire of the members of the Senate to express their deepest sympathy to the bereaved family in the passing of this fine gentleman; now, therefore, be it

Resolved, By the Senate of the State of Texas, that enrolled copies of this Resolution be sent to the members of his family; and be it further

Resolved, That a page of today's Senate Journal be dedicated to the memory of Mr. Yance Holleman; and that when the Senate adjourns today, it do so in his memory.

The resolution was read and was adopted.

In Memory of
Dr. James Robert Towns

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

(House Concurrent Resolution 151)

Whereas, On June 22, 1949, God in His infinite wisdom called from all earthly labors Dr. James Robert Towns of Livingston, Texas; and

Whereas, Dr. Towns was born in Coleta, Texas, October 10, 1860, and was a graduate of Tulane University; and

Whereas, This pioneer citizen began the active practice of medicine in Trinity County and spent his entire life in Polk and Trinity Counties; and

Whereas, This beloved doctor was a member of the Christian Church of Moscow and the Masonic Lodge of that City and was recently honored for his fifty (50) years' service in Masonic work; and

Whereas, Dr. Towns was a member of El Mina Temple of Galveston and lived a life devoted to his family and his many friends; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a page of the Journal of today be dedicated to the memory of Dr. James Robert Towns, and that the Chief Clerk of the House be instructed to forward copies of this resolution to Mrs. Della Towns, Livingston, Texas; Mrs. J. H. McPhil, Trinity, Texas; Mr. Joe Lynn Towns, Livingston, Texas; and Mr. Jimmie Towns, Camden, Texas; and, be it further

Resolved, That when the House adjourns today it do so in memory of Dr. James Robert Towns.

The resolution was read and was adopted.

In Memory of
Honorable James Thomas Harrington

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

(House Concurrent Resolution 152)

Whereas, God in His infinite wisdom, did on the 22nd day of June, 1949, call from his earthly home the Honorable James Thomas Harrington, affectionately known as Uncle Tom, of Normangee, Leon County, Texas; and

Whereas, Uncle Tom was born on the 12th day of November, 1873, in the town of Rogers Prairie, Texas, of pioneer parents; and

Whereas, Mr. Harrington was a patriot and citizen of the highest character, having served in the Regular Thirty-seventh Legislature and two called sessions, under Governor Pat M. Neff, as Representative from Leon and Madison Counties; and

Whereas, Mr. Harrington, a farmer and rancher, found time to devote much of his time and effort to civic interests affecting the community in which he lived, having been president of the School Board, and a diligent Mason; and

Whereas, He was a Christian active in the interest of his church, being a member of the Baptist Church since early manhood; and

Whereas, Mr. Harrington is survived by his companion and wife, Mrs. Dora Ella Harrington; nine children, Bridges Earl Harrington, Lee Aldrich Harrington of Normangee, Mrs. Mona Pearl Bradley of Norfolk, Virginia, Mrs. Bonnie Claire Devall of Germany, Mrs. Jane Shroyer, Mrs. Cornelia May Carroll, Mrs. Bettie Irene Johnson, Joe Bailey Harrington of Houston, Julian Thomas Harrington of Baytown; twelve grandchildren, seven great grandchildren; and

Whereas, The State of Texas, as well as the town of Normangee and Leon County, has sustained an irreparable loss in the passing of this good and noble Texan; now, therefore, be it

Resolved, That the House of Representatives, the Senate concurring, extend to the bereaved family of the late Honorable James Thomas Harrington and to his many friends the heartfelt sympathy of the Fifty-first Texas Legislature, and that when the Legislature adjourns today it do so in solemn tribute to his name.

The resolution was read and was adopted.